

**COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MAY 10, 2005**

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

April 22, 2005

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 5318 Gateway East Blvd. (Rep. District #3)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated June 14, 2004. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Marcelo & Nora F. Vasquez, 5519 E. Paisano Drive, El Paso, Texas 79905.
- 3) Certified notices of the public hearing scheduled for May 10, 2005 were mailed to the owners and all interested parties on April 26, 2005.
- 4) There has been no response from the owner.

The Department recommends that it be found:

- 1) That the main structure and accessory buildings be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) Since no plans or documents have been submitted to indicate otherwise, the structures cannot be repaired; and
- 5) That the main structure and accessory buildings be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: BUILDING PERMITS AND INSPECTIONS

AGENDA DATE: May 10, 2005

CONTACT PERSON/PHONE: TOM MAGUIRE 541-4800

DISTRICT(S) AFFECTED: 3

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

APPROVE A RESOLUTION TO DECLARE THE PROPERTY AT 5318 GATEWAY EAST BLVD. UNFIT FOR USE OR HABITATION AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

APPROVE, DISAPPROVE OR POSTPONE DEPARTMENT RECOMMENDATIONS.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

COST OF ACTION TO BE BILLED TO OWNER IF COUNCIL ORDER NOT COMPLIED WITH, LIEN PLACED ON PROPERTY, IF NECESSARY.

BOARD / COMMISSION ACTION:


Enter appropriate comments or N/A

N/A

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:

 *for Dept Head A.S.*
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E.
DIRECTOR



COPY
CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

BUILDING PERMITS & INSPECTIONS DEPARTMENT

HOUSING COMPLIANCE
December 20, 2004

Marcelo & Nora F. Vasquez
5519 E. Paisano Dr.
El Paso, Texas 79905-1747

Re: 5318 Gateway East Blvd.
Lots: 31 & 32
Blk: 19, Brentwood Heights
Zoned: R-5
COD04-08013
Certified Mail Receipt #
7004 1160 0007 2325 7760

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or

5318 Gateway East Blvd.

- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 5318 Gateway East Blvd. has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter.

5318 Gateway East Blvd.

- I. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:



Leo CassoLopez
Building Inspector

LC/rl

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LC

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Susana Briones

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12/23/04

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

Marcelo & Nora F. Vasquez
5519 E. Paisano Drive
El Paso, Texas 79905-1747
Re: 5318 Gateway East Blvd.

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0007 2325 7760

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7004 1160 0007 2325 7760

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

DEC 27 2004
Postmark Here

Marcelo & Nora F. Vasquez
5519 E. Paisano Drive
El Paso, Texas 79905-1747
Re: 5318 Gateway East Blvd.

PS Form 3800, June 2002

See Reverse for Instructions

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 10th day of May, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5318 Gateway East Boulevard, in El Paso, Texas, which property is more particularly described as:

Lots: 31 and 32, Block 19, Brentwood Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 5, Page 56, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Marcelo and Nora Vasquez, 5318 Gateway East Boulevard, El Paso, Texas 79905, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 19th day of April, 2005.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lisa A. Hayes
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property located at 5318 Gateway East Boulevard, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2005 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this ____ day of _____, 2005.

Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property located at 5318 Gateway East Boulevard, was PUBLISHED in the official City newspaper on the ____day of _____, 2005.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Marcelo and Nora Vasquez
5318 Gateway East Blvd.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Marcelo and Nora Vasquez
5519 E. Paisano Dr.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Marcelo and Nora Vasquez
5330 Gateway East Blvd.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jane R. Drake and Irma Crowley
A/K/A Pi Kathleen Crowley
P. O. Box 12766
El Paso, Texas 79913

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Marcelo Vasquez
Continental Forwarding
5010 Alameda Ave.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 19th, 2005 regarding the property at 5318 Gateway East Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at
5318 Gateway East Boulevard, El Paso, Texas.

Date: _____

Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 20, 2005

REP. DISTRICT: 3

ADDRESS: 5318 Gateway East Blvd

ZONED: R-5

LEGAL DESCRIPTION: Lots: 31 and 32, Block 19, BRENTWOOD HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 5, Page 56, Plat Records of El Paso County, Texas

OWNER: Marcelo & Nora F. Vasquez **ADDRESS:** 5519 E. Paisano Dr., El Paso, Texas 79905

BUILDING USE: Single-family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine.

CONDITION: Unable to determine condition due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Unable to determine

CONDITION: Unable to determine condition due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame with plywood.

CONDITION: Unable to determine condition. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Wood frame with stucco:

HEIGHT: +/- 10' - 0"

THICKNESS: +/- 8"

CONDITION: Bad, a structural engineer or licensed and bonded contractor should be hired to determine the damage and make repairs.

INTERIOR WALLS & CEILINGS: Wood frame, sheetrock and plaster.

CONDITION: Bad, a licensed and bonded contractor should be hired to make repairs.

ROOF STRUCTURE: Wood frame with build-up roofing.

CONDITION: Bad, a licensed and bonded contractor should be hire to determine any damage and make repairs.

DOORS, WINDOWS, ETC.: Wood frame doors and aluminum frame windows.

CONDITION: Some of the doors need to be replaced, and most of the windows are broken and inoperable

MEANS OF EGRESS: Does not meet code.

PLUMBING: Bad. Will require a licensed plumbing contractor to verify condition and make repairs to meet code.

ELECTRICAL: Bad. Will require a licensed electrical contractor to verify condition and make repairs to meet code.

MECHANICAL: Bad. Will require a licensed mechanical contractor to verify condition and make repairs to meet code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.:

REMARKS: This property consists of the main house, a detached garage and a small apartment in the rear of the property. We recommend that a structural engineer or a bonded and insured contractor be hired to make recommendation on all repairs of all the structures, if the structures are to be rehabilitated, the building, electrical, plumbing and mechanical systems need to be brought up to current code. If the structures are not rehabilitated, we recommend that the structures be demolished and the property cleaned of all weeds, trash and debris.



Leo CassoLopez
Building Inspector